IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.951 OF 2007
IN
EXECUTION APPLICATION NO.471 OF 2006
IN
SUMMARY SUIT NO.2974 OF 2001

Narendra J. Mistry & Ors. ....Plaintiffs
V/s.
Suresh K. Shah ....Defendant
And
M.S.Meena S. Shah & Ors. ....Applicants

Mr.Nitin V. Gangal for the Plaintiffs.

Ms.Neeta Parikh for the Applicants.

CORAM : S.J. VAZIFDAR, J.
DATED : 10TH OCTOBER, 2007.

P.C. :

1. Ms.Parikh, the learned counsel appearing on behalf of the Applicants states that Applicant No.3 desires to purchase the 1/8th share of her father i.e. the Defendant in the flat sought to be proceeded against in execution for a sum of Rs.4,50,000/-. Accordingly Applicant No.3 undertakes to give post dated cheque in favour of Plaintiff No.1 for and on behalf of all the Plaintiffs dated 31.12.2007 in the sum of Rs.4,50,000/-. The said cheque shall be given and the same shall be accepted by the Plaintiffs subject to realization in full and final settlement of

their claim in the decree. It is clarified that this is only with a view to settling the matter and the Plaintiffs do not thereby admit that the Defendant has only 1/8th share in the said flat.

2. In the event of the said cheque not being realized in full, the Chamber Summons shall stand dismissed without further orders. Further steps in execution shall be proceeded with. Till the said amount is paid or till the decree is satisfied in full, the attachment shall continue. However till 31.12.2007 no further steps in execution shall be taken. In the event of the amounts being realized, the attachment shall stand raised forthwith. Applicant No.3 and the Defendant as well as the Plaintiffs are present in Court.